

RECEIVED
CENTRAL FAX CENTER

DEC 02 2005

IMPORTANT CONFIDENTIALITY NOTICE

The documents accompanying this telecopy transmission contain confidential information belonging to the sender which is legally protected. The information is intended only for the use of the individual or entity named below. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this telecopied information is strictly prohibited. If you have received this telecopy in error, please immediately notify us by telephone (collect) to arrange for return of the telecopied document to us.

TO: Examiner Joseph A. Fischetti - Group Art Unit 3627 - U.S.P.T.O.

Fax No. 571-273-8300

Phone No. 571-272-6771

FROM: Donita Konrad (Typed or printed name of person signing Certificate)

Fax No. 513-634-6108

Phone No. 513-634-9298

Application No.: 09/820,504

Inventor(s): Frank Heinrich Bakes et al.

Filed: March 29, 2001

Docket No.: 9116/552 (P&G Case 8444)

Confirmation No.: 5104

FACSIMILE TRANSMITTAL SHEET AND
CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office on December 2, 2005, to the above-identified facsimile number.

Donita Konrad (Signature)

Listed below are the item(s) being submitted with this Certificate of Transmission:**

- 1) Petition to Withdraw Holding of Abandonment (2 pgs) with copy of previous submission (7 pgs)
- 2)
- 3)
- 4)
- 5)

Number of Pages Including this Page: 10

Comments:

****Note:** Each paper must have its own certificate of transmission, OR this certificate must identify each submitted paper.

(FAX-USPTO.doc Revised 11/18/2005)

BEST AVAILABLE COPY

RECEIVED
CENTRAL FAX CENTER

DEC 02 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 09/820,504
Applicant(s) : Frank Heinrich Bakes et al.
Filed : March 29, 2001
Title : Method And System For Optimizing Product Inventory
Levels
TC/A.U. : 3627
Examiner : Joseph Fischetti
Conf. No. : 5104
Docket No. : 9116/552 (P&G Case 8444)
Customer No. : 27752

PETITION TO WITHDRAW HOLDING OF ABANDONMENT

Commissioner for Patents

P. O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

Applicants received a Notice of Abandonment mailed by the PTO on September 12, 2005 and forwarded to Applicants by previous outside counsel (copy enclosed). The Notice indicated that the above-referenced application had gone abandoned in view of Applicants' failure to timely file a response to the Office Action mailed February 10, 2005.

Petitioner respectfully submits that, on March 10, 2005, Applicants filed a proper response to said Office Action and said response is shown in the public PAIR system as having been received by the PTO. The response was sent on March 10, 2005 via facsimile to the Central Number for Official application-related correspondence at (703) 872-9306. A copy is attached to this petition of the response documents and Auto-Reply Facsimile Transmission page indicating that all six pages (constituting the fax transmittal, the three-page Response to Restriction Requirement, a Revocation of Power of Attorney

BEST AVAILABLE COPY

Appl. No. 09/820,504
Atty. Docket No. 9116/552 (8444)
Reply to Notice of Abandonment dated 09/12/2005
Customer No. 27752

with New Power of Attorney and Change of Correspondence Address, and Statement Under 37 CFR 3.73(b)) had been received by the PTO.

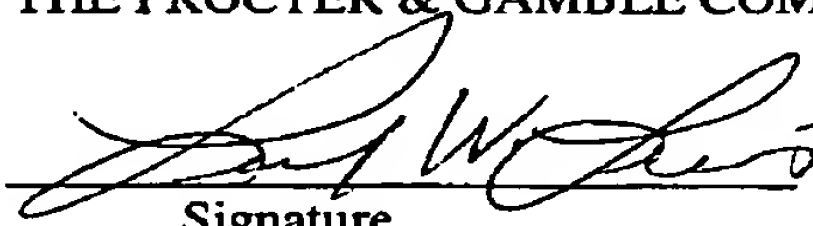
The Commissioner is hereby petitioned to withdraw the holding of abandonment of the above-identified case for an alleged failure to timely respond to the Office Action mailed February 10, 2005. Applicants believe that there is no fee required with the filing of this petition; however, the Commissioner is hereby authorized to charge payment of any fees associated with this communication, including fees required to make any additional copies of this petition, to Deposit Account No. 16-2480 in the name of The Procter & Gamble Company. If fees are charged for this petition, Petitioners respectfully request that, upon the withdrawal of the holding of abandonment of this application, the charged fee, if any, be credited back to the Petitioner's Deposit Account No. 16-2480.

In view of the foregoing remarks, Applicants seek favorable action by the Commissioner to reverse the Examiner's holding of abandonment of the above-identified Application. Accordingly, Applicants respectfully request that the response to the Office Action be viewed as having been filed in a timely fashion and that the processing of the Application to issuance be continued.

Respectfully submitted,

THE PROCTER & GAMBLE COMPANY

By



Signature

Leonard W. Lewis

Typed or Printed Name

Registration No. 30,769

(513) 634-5649

December 2, 2005

Customer No. 27752

Auto-Reply Facsimile Transmission



TO:

Fax Sender at 513 634 6108

Fax Information

Date Received:

3/10/2005 3:45:15 PM [Eastern Standard Time]

Total Pages:

6 (including cover page)

ADVISORY: This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMEP) section 306 et seq.

Received
Cover
Page

=====>

513 634 6108		03:45:15 PM 03/10/2005		1/8	
Procter & Gamble - I.P. Division					
IMPORTANT CONFIDENTIALITY NOTICE					
<p>The documents accompanying this telecopy transmission contain confidential information belonging to the sender which is legally protected. The information is intended only for the use of the individual or entity named below. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this telecopied information is strictly prohibited. If you have received this telecopy in error, please immediately notify us by telephone (collect) to arrange for return of the telecopied documents to us.</p>					
FACSIMILE TRANSMITTAL SHEET AND CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8					
TO: <u>Examiner Joseph Elmer - Group Ad Unit 2027 - U.S.P.T.O.</u>					
Fax No. 703-672-9508			Phone No. 703-305-0731		
<p>I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office on <u>MARCH 10, 2005</u>, to the above-identified facsimile number.</p> <p style="text-align: center;"><u>Dorita Komad</u> (Signature)</p>					
FROM: <u>Dorita Komad</u> (Typed or printed name of person signing Certificate)					
Fax No. 513-634-6108			Phone No. 513-634-6298		
<p>Listed below are the item(s) being submitted with this Certificate of Transmission:</p> <p>1) Response to Restriction Requirement (2 pgs.)</p> <p>2) Revocation of Power of Attorney with New Power of Attorney and Change of Correspondence Address (1 pg.)</p> <p>3) Statement Under 37 CFR 3.73(b) (1 pg.)</p> <p>4)</p> <p>5)</p> <p>Comments:</p>					
			<p>Number of Pages including this Page: <u>8</u></p> <p>Inventor(s): <u>Bakes et al.</u></p> <p>S.N.: <u>09/620,504</u></p> <p>Filed: <u>March 29, 2001</u></p> <p>Doclet No.: <u>0118-552 (P&G Case #444)</u></p>		
<p>FILED AT: NEWARK 03/10/2005 11:54 AM RECEIVED BY: PTO/USPTO-EPXRF-6/26 * DNIS: 2738300 * CSID: 513 634 6108 * DURATION (mm-ss): 03-40</p>					

Procter & Gamble – I.P. Division**IMPORTANT CONFIDENTIALITY NOTICE**

The documents accompanying this telecopy transmission contain confidential information belonging to the sender which is legally protected. The information is intended only for the use of the individual or entity named below. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this telecopied information is strictly prohibited. If you have received this telecopy in error, please immediately notify us by telephone (collect) to arrange for return of the telecopied document to us.

**FACSIMILE TRANSMITTAL SHEET AND
CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8****TO: Examiner Joseph Fischetti - Group Art Unit 3627 - U.S.P.T.O**

Fax No. 703-872-9306

Phone No. 703-305-0731

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office on MARCH 10, 2005, to the above-identified facsimile number.

Donita Konrad (Signature)

FROM: Donita Konrad (Typed or printed name of person signing Certificate)

Fax No. 513-634-6108

Phone No. 513-634-9298

Listed below are the item(s) being submitted with this Certificate of Transmission:

Number of Pages Including this Page: 6

- 1) Response to Restriction Requirement (3 pgs.)
 - 2) Revocation of Power of Attorney with New Power of Attorney and Change of Correspondence Address (1 pg.)
 - 3) Statement Under 37 CFR 3.73(b) (1 pg.)
 - 4)
 - 5)
- Comments:

Inventor(s): Bakes et al.

S.N.: 09/820,504

Filed: March 29, 2001

Docket No.: 9116-552 (P&G Case 8444)

RECEIVED
CENTRAL FAX CENTER

DEC 02 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 09/820,504
Applicant(s) : Frank Heinrich Bakes et al.
Filed : March 29, 2001
Title : Method And System For Optimizing Product Inventory
Levels
TC/A.U. : 3627
Examiner : Joseph Fischetti
Conf. No. : 5104
Docket No. : 9116/552 (P&G Case 8444)
Customer No. : 27752

RESPONSE TO RESTRICTION REQUIREMENT UNDER 37 CFR §1.142

Mail Stop Amendment
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450
Dear Sir:

INTRODUCTORY REMARKS

In response to the Office Action of February 10, 2005, please consider the following remarks and reconsider the application.

Appl. No. 09/820,504
Atty. Docket No. 9116/552 (8444)
Amdt. dated 03/10/2005
Reply to Office Action of 02/10/2005
Customer No. 27752

REMARKS

Claim Status

Claims 1-22 are pending in the present application. No additional claims fee is believed to be due.

Response to Restriction Requirement

The Examiner has required, under 35 USC §121, election of a single disclosed invention for prosecution on the merits. Pursuant to this requirement, Applicants hereby elect to prosecute the invention designated in the Office Action as Invention I (corresponding to Claims 1 – 6). Claims are drawn to this invention. This election is made with traverse.

Traversal of Restriction Requirement

The restriction requirement is traversed on the basis that the same general field of search should apply to all or most of the claims in the application and, consequently, it should not be unduly burdensome to examine such claims together during the examination.

If restriction to certain of the claims is still seen as appropriate, Applicants respectfully request that the claims of Groups I, II, III, IV (Claims 13-14 only), and VI be examined and that the claims of Groups IV (Claims 15-18 only) and V be subject to restriction on the basis that: (i) the field of search for the former Groups of claims (I, II, III, IV (13,14 only), and VI) would be the same; and (ii) the field of search for Group IV (15-18) and Group V arguably would be different from the field of search for the former Groups of claims.

Appl. No. 09/820,504
Atty. Docket No. 9116/552 (8444)
Amdt. dated 03/10/2005
Reply to Office Action of 02/10/2005
Customer No. 27752

Conclusion

In light of the above remarks, it is requested that the Examiner reconsider and withdraw the restriction requirement or reformulate the restriction requirement as outlined above. Early and favorable action in the case is respectfully requested.

Respectfully submitted,

THE PROCTER & GAMBLE COMPANY

By


Signature

Leonard W. Lewis

Typed or Printed Name

Registration No. 30,769

(513) 634-5649

March 10, 2005

Customer No. 27752

DEC 02 2005

PTO/SB/82 (09/04)
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

REVOCATION OF POWER OF ATTORNEY WITH NEW POWER OF ATTORNEY AND CHANGE OF CORRESPONDENCE ADDRESS	Application Number	09/820,504
	Filing Date	March 29, 2001
	First Named Inventor	Frank Heinrich Bakes et al.
	Group Art Unit	3627
	Confirmation No.	5104
	Examiner Name	Joseph Fischetti
	Attorney Docket Number	9116/552 (P&G Case 8444)

☒ I hereby revoke all previous powers of attorney given in the above-identified application.

☒ I hereby appoint the practitioners associated with the Customer Number 27752

☒ Please change the correspondence address for the above-identified application to:

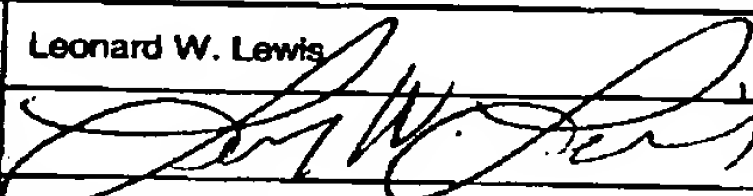
☒ The address associated with Customer Number 27752

I am the:

☐ Applicant/Inventor

☒ Assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

SIGNATURE of Applicant or Assignee of Record

Typed or Printed Name	Leonard W. Lewis
Signature	
Date	March 10, 2005
Telephone	513-634-5649

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

___ *Total of ___ forms are submitted

This collection of information is required by 37 CFR 1.38. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing and submitting the completed application form to the USPTO. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, D.C. 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450
Revoke POA with New POA.doc
(Revised for P&G use 2/2/05)

DEC 02 2005

PTO/SB96 (09-04)

Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Approved for use through 07/31/2006

OMB 0651-0031

STATEMENT UNDER 37 CFR 3.73(b)Applicant/Patent Owner: The Procter & Gamble CompanyAttorney Docket Number: 9115-552 (8444)Application No./Patent No.: 09/820,504Filed/Issue Date: March 29, 2001Entitled: Method And System For Optimizing Product Inventory LevelsThe Procter & Gamble Company
(Name of Assignee)Corporation
(Type of Assignee, e.g., corporation, partnership, university, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.
The extent (by percentage) of its ownership interest is % in the patent application/patent identified above by virtue of either:
- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office on March 29, 2001 at Reel 011666, Frame 0228, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below.

1. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
2. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
3. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet

☒ Copies of assignments or other documents in the chain of title are attached. [NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

03/10/2005
Date

513-634-5649
Telephone Number

Leonard W. Lewis

Typed or Printed Name

30,769
Registration No.


Signature

Attorney or Agent of Record
Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. Send Fees and Completed forms to the following address: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

BEST AVAILABLE COPY